

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAMS, et al.

No. C 05-3155 CRB (MEJ)

Plaintiff,

vs.

**ORDER RE: OSC**

SUGAR HILL MUSIC PUBLISHING, et al.,

Defendant.

On December 12, 2005, the Court ordered the parties to a settlement conference, which was to be held on March 7, 2006, at 10:00 a.m. Pursuant to Judge James' standing order, confidential settlement conference statements were to be delivered to chambers no later than seven days prior to the settlement conference. The Court did not receive any such settlement conference statement from Defendant.

On March 7, 2006, Defendants failed to appear for the settlement conference. Defendants did not request a continuance or provide any reason for his absence. Accordingly, the Court ordered an Order to Show Cause and directed defendants to file a declaration.

According to defense counsel, Edwin Bradley, defendants failure to appear to the settlement conference resulted from Bradley's misunderstanding of Judge Breyer's Orders. On January 24, 2006, Judge Breyer issued an order relating the instant case and vacated all hearing dates on all pending

1 motions before his Court until such time as Judge James could offer a report and recommendation on  
2 whether the Norther District of California possessed jurisdiction on the matter. Docket # 32. On  
3 January 25, 2006, the Clerk of the Court reassigned the case to Judge Breyer and vacated all matters  
4 scheduled for a hearing and stated that all hearing should be renoticed before the Judge to whom the  
5 case has been reassigned." Docket #33. Based on the two orders, Bradley concluded that the  
6 settlement conference was vacated. Declaration of Edwin Bradley Re Order to Show Cause at 2-3.

7           Unfortunately, Bradley's assumption was in err. Neither Judge Breyer's orders nor the Clerk  
8 of the Court's reassignment order discussed or mentioned the settlement conference set before Judge  
9 Maria-Elena James. Neither order vacated the settlement conference. The only matters vacated were  
10 hearings before Judge Breyer. The only order pertaining to the settlement conference was issued by  
11 Judge Maria-Elena James on December 12, 2005. Only an order from Judge James could vacate any  
12 hearing, motion, or conference set before this Court. Defendants did not appear for the settlement  
13 conference based on the advice of their attorney. Although Bradley was mistaken, the Court does not  
14 find the facts of this particular case to warrant sanctions. Plaintiffs, however, seek reimbursement of  
15 \$860.90 in connection with Defendants' failure to appear for the March 7, 2006, Settlement  
16 Conference. Declaration of Gabin Beth Rubin Re: OSC at 1. The Court find it appropriate to  
17 reimburse Plaintiffs for some of their costs associated with attending the settlement conference. Thus,  
18 the Court ORDERS Defense Counsel to pay Plaintiffs airfare and hotel accommodations in the  
19 amount of \$667.64.

20  
21 **IT IS SO ORDERED.**

22  
23 Dated: July 31, 2006

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26 MARIA-ELENA JAMES  
United States Magistrate Judge